O/C.C.(C.&P.)0/49

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File No.

Legal Department-

G. **BRANCH**

Subject:— Opinions on the Cotton cloth (Control of Printing) Order 1949

P.4/E

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C O N T E N T S.

Legal Department File No. 0.e.c.(Legal)/49

Sr.No.	R.I./ O.No.	Subject.	pages.
		Opinions under the Cotton Cloth (Control of Printing) Order, 1945.	
1.	G/579 12-3-49	Whether a prosecution would lie against Mr. M.V. Pukale for breach of clause 9.	1 -4

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Office of the R.L.A. (G.Br.)

The accompanying papers have been forwarded by the Provincial Textile Controller's office for opinion whether a prosecution would lie against Mr. Pukale for breach of Clause 9 of the Cotton Cloth (Control of Printing) Order, 1945.

The facts of the case in brief are as follows:-

A Textile Inspector by name Abdul Fagur while checking the shop of one Mr. Malli-Karjun Vithalrao Pukale, a dealer in ready made clothes, of Sholapur, found therein 27 petticoats (parkars) prepared out of Barsi Mill white cloth supplied to him by the "Ready made Vyapar Mandal" Sholapur and which he had got printed from a printer named Suleman Pir Kasam. As he thought this was a breach of Clause 9 of the Cotton Cloth (Control of Printing) Order, 1945, which prohibits a dealer from getting any cloth printed without the written permission of the Controller, he made a panchnama and and recorded his statement from the shop keeper Mr. Pukale in which he has admitted the fact that he got the pieces of cloth out of which the parkars were prepared printed from Mr. Suleman Pil Ahmed. The pp. were then referred to Senior Police Prosecutor for opinion whether a prosectuion would lie against Mr. Pukale for breach of Clause 9 of the Cotton Cloth (Control of Printing) Order, 1945.

*p.11

*p.13

p. 25

The Prosecutor in his opinion has advised the prosecution of Mr. Pukhale for the breach of the above mentioned Clause 9 of the Cotton Cloth (Control of Printing) Order, 1945 as he held that Mr. Pukhale was a dealer as defined in Clause 3(b) of the Cotton Cloth and Yarn (Control) Order, 1945. As the Assistant Textile Controller

and the Police were not satisfied with the above opinion of the Senior Police Prosecutor they sought the opinion of the District Government Pleader, Sholapur, in the matter.

The District Government Pleader in his opinion, inter alia has stated as follows :- "In my opinion there is no case for according sanction for the prosecution of the Ready-made Clothes Merchant for contravention of clause 9 of the Cotton Cloth (Control of Printing) Order, 1945 The said clause 9 provides that "No dealer shall print any cloth or cause or permit it to be printed, except with the written permission of the Controller." Sub-clause (g), of clause 2 of the said Order provides that the expressions 'cloth' and 'a dealer' used in this order shall have the meanings respectively attributed to them in the Cotton Cloth and Yarn (Control) Order, 1943 - (Now 1945).

* pp.41/42

Clause 3 sub-clause (b) of the Cotton Cloth and Yarn (Control) Order, 1945 , defines 'a dealer' as "a person carrying on the business of selling cloth or yarn or both, whether whol sale or retail and whether or not in conjunction with any other business and shall include master ~~t~~ weavers of hand-loom cloth".

Office of the R.L.A.

The view taken by the District Government Pleader, Sholapur is correct.

o/c

Sd/- P.M.L.
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Remembrancer of Legal Affairs.

U.R. toP.T.C. No. G/579 dated the 12th Sept. 1949.

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